

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

James Franklin Gilbert, III,

C/A No. 5:14-cv-01987-JMC-KDW

Plaintiff,

v.

ORDER

Captain J Tyson,

Defendant.

---

Plaintiff, proceeding pro se and *in forma pauperis*, brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. On May 7, 2015, Defendant filed a Motion for Summary Judgment. ECF No. 45. Because Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of such motions and of the need for him to file adequate responses. ECF No. 47. Plaintiff was specifically advised that if he failed to respond adequately, the Defendant's motion may be granted, thereby ending this case.

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order Plaintiff has failed to respond to the Motion. As such, it appears to the court that he does not oppose the Motion and wishes to abandon this action against Defendant. Based on the foregoing, Plaintiff is directed to advise the court whether he wishes to continue with this case and to file a response to Defendant's Motion for Summary Judgment by **July 15, 2015**. Plaintiff is further advised that if he fails to respond, this action will be recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

June 15, 2015  
Florence, South Carolina

A handwritten signature in black ink, reading "Kaymani D. West". The signature is written in a cursive, flowing style with a large initial 'K'.

Kaymani D. West  
United States Magistrate Judge